

MEMO ENDORSED



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December 12, 2018

By ECF

Hon. Gabriel W. Gorenstein
Chief United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

motion
Gratified. The summary judgment motion shall be returnable before J. Nathan and shall comply with her individual practices.

Re: Rafael Arden Jones, Sr. v. Miles Holman, et al.,
16 Civ. 556 (AJN)(GWG)

SUBMITTED: DATE: 12/12/18
Gabe
GABRIEL W. GORENSTEIN
UNITED STATES MAGISTRATE JUDGE

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, attorney for defendants Miles Holman, Michael Holman, Evan Mele, Patrick Venetek, and Daniel Barreto. I write to respectfully request a four week extension of discovery.

Pursuant to Your Honor's Individual Practices Rule 1E, defendants respectfully request that discovery be extended to January 11, 2019. Defendants respectfully request that subsequent deadlines be adjusted as follows: any summary judgment motion shall be filed on February 15, 2019; if no such motion is filed, plaintiff is to file his Pretrial Statement in accordance with Paragraph 10 of District Judge Nathan's Special Rules of Practice in Civil Pro Se Cases by February 8, 2019. This is the sixth request for an extension of discovery in this matter. Plaintiff consents to this request.

By way of a status update, plaintiff, all defendants, and two non-parties have now been deposed. A subpoena for all documents that Services for the Underserved ("SUS") possesses related to plaintiff for the period November 1, 2015 through June 30, 2016 was served and SUS is processing it.

The requested extension is necessary because on November 30, 2018, SUS produced an incident report that defendants believe is related to this incident. However, defendants did not learn who the author of the report was until non-party Adam Wawrynek's deposition on December 6, 2018. Moreover, it appears that plaintiff contests that the report relates to this incident. Accordingly, defendants intend to depose the report's author, SUS employee and non-party Molly McCracken, to explore the incident report further. Plaintiff's *pro bono* deposition counsel Aubrey Smith intends to represent plaintiff at this deposition. However, Mr. Smith is